

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Donald Wilson Lee,)	C/A No. 4:11-777-JFA-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Officer Roger Johnson,)	
)	
Defendant.)	
_____)	

The *pro se* plaintiff, Donald Wilson Lee, is a pretrial detainee at the Darlington County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983¹ claiming deliberate indifference to a serious medical need by the defendant in violation of the 8th Amendment.

The Magistrate Judge assigned to this action² has prepared a Report and Recommendation and opines that the complaint should be dismissed for failure to prosecute, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure.

The defendants have filed a motion for summary judgment. An order was then issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond

¹ The plaintiff has filed this action *in forma pauperis* under 28 U.S.C. § 1915.


² The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

to the motion for summary judgment. The plaintiff did not respond to the motion.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 5, 2011. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, slightly stylized font.

Joseph F. Anderson, Jr.
United States District Judge

March 29, 2012
Columbia, South Carolina